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EXAMINER

LAVARIAS, ARNEL C

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,796

Applicant(s)

KODEN ET AL.

Examiner

Arnel C. Lavarias

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The substitute specification filed 12/15/03 is acknowledged and has been entered into the record.

Response to Amendment

2. The amendments to Claims 1-2, 11, 13-14 in the submission filed 12/15/03 are acknowledged and accepted. In view of the above amendments, the rejections of Claims 13-15 in Section 9 of the Office Action dated 9/12/03 are respectfully withdrawn.
3. The addition of Claims 21-25 in the submission filed 12/15/03 is acknowledged and accepted.

Response to Arguments

4. The Applicants argue that, with respect to newly amended Claims 1-2, and 11, Ge et al. fails to teach or reasonably suggest an optical control device that does not use a color filter or backlighting. With regard to the optical control device not using a color filter, the Examiner respectfully disagrees. Ge et al. specifically discloses an embodiment of an optical control device that does not require a color filter (See for example col. 7, lines 28-52). With respect to the optical control device not using a backlight, the Examiner also respectfully disagrees. The Examiner is uncertain whether Applicant intends the optical control device to not have any light output layer at all in the device. It is clear from the

Art Unit: 2872

Applicants' disclosure (See in particular Figures 1(b), 6, 7, 8(b), 9(b), 11, 13) that the light output layer (See for example 4 in Figure 1(b), 6 in Figure 6) is located at the rear of the LCD display device, and that the light output layer is the only source of light for the operation of the device. Hence, the Examiner believes the light output layer of the claimed optical control device acts as the backlight for the device. The Examiner is unaware of any special definition for the term 'backlight', and Applicants' disclosure does not provide any such special definitions for 'backlight'.

5. The Applicants argue that Ge et al. fails to teach or reasonably suggest an optical control device and method for driving the optical control device, wherein the output layer shines with mutually different wavelengths from those of adjacent light output layers and more than one light output layers that shine with mutually different wavelengths are caused to shine simultaneously. After a review of the Ge et al. reference, the Examiner agrees, and respectfully withdraws the rejections in Sections 11, 13-14 of the Office Action dated 9/12/03.

6. Claims 1-25 are rejected as follows.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-12, 16-23 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for an optical control device and optical control

device method, both having a light output layer, does not reasonably provide enablement for the optical control device and optical control device method, both not using backlighting. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims.

Claims 1, 2 and 11 recite an optical control device and optical control device method, both that does not use backlighting. However, the Examiner is uncertain whether Applicant intends the optical control device to not have any light output layer at all in the device. It is clear from the Applicants' disclosure (See in particular Figures 1(b), 6, 7, 8(b), 9(b), 11, 13) that the light output layer (See for example 4 in Figure 1(b), 6 in Figure 6) is located at the rear of the LCD display device, and that the light output layer is the only source of light for the operation of the device. Hence, the Examiner believes the light output layer of the claimed optical control device acts as the backlight for the device, unless the device is required to operate without the use of a light source. The Examiner is unaware of any special definition for the term 'backlight', and Applicants' disclosure does not provide any such special definitions for 'backlight'. In remarks submitted 12/15/03, Applicants point to Page 15, line 20-Page 16, line 1 of Applicants' disclosure for support. However, those sections of the disclosure do not make any distinction between 'backlight' and the backlight used in the instant application, i.e. the light output layer. Claims 3-10, 12, 16-23 are dependent on Claims 1-2, 11 and hence inherit the deficiencies of Claims 1-2, 11.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 9-13, 21, 23-24, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ge et al. (U.S. Patent No. 5402143), of record.

Ge et al. discloses an optical control device and optical control device method that does not use a color filter or backlighting (See Figures 1, 4; col. 7, lines 28-52), both comprising a first substrate (See 72 in Figure 1) with at least one light output layer (See 34 in Figure 1), adjusted in terms of luminance for each gate electrode and in accordance with a maximum luminance which is based on the signal voltages applied to the source electrodes (See col. 4, lines 23-col. 9, line 9); a second substrate with a light transmitting function (See 46 in Figure 1), positioned opposite to the first substrate; a liquid crystal sandwiched between the first and second substrates (See 32, 56 in Figure 1), first gate/scan electrodes, on one of the first and second substrates, for applying multiple scan signals (See 54 in Figure 1), and second source/signal electrodes, on the other of the first and second substrates, for applying multiple signal voltages (See 52 in Figure 1); and a layer with a light polarizing function on the first substrate (See 44 in Figure 1), wherein the light output layer is arranged in stripes and extends in the same direction as the first electrodes (See 78 in Figure 1); and the first substrate, the light output layer, the layer with a light polarizing function, the liquid crystal, and the second substrate are arranged

in this order (See Figure 1). Ge et al. additionally discloses the light output layer provided on the first substrate being formed by a light emitting layer composed of a fluorescence device (See 34 in Figure 1; Abstract); the light emitting layer shining with application of a voltage across the first electrodes and the second electrodes (See col. 10, line 44-col. 12, line 59); the light output layer shining with spectrum periodically varying according to a position of the light output layer and varying with each pixel (See 78 in Figure 1); the light output layers shining when a specified time has elapsed after a set of scan signals are transmitted to the gate electrodes and extinguish before a succeeding set of scan signals are transmitted (See col. 5, line 16-col. 9, line 43), each output layer being either red, green, or blue so that red, green, and blue repeat periodically (See 78 in Figure 1), and the light output layer shining (See for example 352 in Figure 14) for a duration of approximately 15%-40% of each display frame time (See for example Figure 14; col. 12, lines 20-33; it is noted that the frame time is taken as the pulse width of output light pulses 360 in Figure 14); the layer with the light polarizing function being provided on the light output layer (See 34, 44 in Figure 1).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2872

12. Claim 5, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Ge et al. in view of Hodson et al. (U.S. Patent No. 5760858), of record.

Ge et al. discloses the invention as set forth above in Claim 1, except for the light output layer being composed of at least one of an organic/inorganic EL light emitter and an FED light emitter. It is well known in the art of LCD displays to utilize field emission based lighting and EL based lighting in LCD's (See for example Figure 7-8 for a field emission based backlight). Additionally, Hodson et al. teaches a field emission based liquid crystal display (See Figure 4) wherein the integrated backlighting includes an FED device (See 1, 2, 4 in Figure 4; Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the output layer of the optical control device of Ge et al. be composed of an FED light emitter, as taught by Hodson et al., for the purpose of increasing the light output efficiency of the LCD display, while reducing power consumption.

13. Claim 7, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Ge et al. in view of Kimura et al. (U.S. Patent No. 5535027), of record.

Ge et al. discloses the invention as set forth above in Claim 1, except for the light output layer including an optical waveguide and a light source coupled to the optical waveguide and positioned in a non-display section area. However, Kimura et al. similarly teaches a liquid crystal display device (See for example Figures 1-7) wherein the light output layer is formed by a combination of an optical waveguide (See for example 22 in Figures 3-4) and a light source (See for example 21 in Figures 3-4) coupled to the optical waveguide and positioned in a non-display section area (See left

side of Figure 4 where 21 is located at). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have for the light output layer provided on the first substrate be formed by a combination of an optical waveguide and a light source coupled to the optical waveguide and positioned in a non-display section area, as taught by Kimura et al., in the optical control device of Ge et al. for the purpose of reducing the amount of power consumed by the device since light is no longer wasted in illuminating portions of the display panels that are not required to be illuminated (i.e. light is guided only to those areas of the panel that requires illumination).

14. Claims 2-4, 14-20, 22, 25, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ge et al. in view of Ferguson (U.S. Patent No. 5572341).

Ge et al. discloses the invention as set forth above, except for the output layer shining with mutually different wavelengths from those of adjacent light output layers and more than one light output layers that shine with mutually different wavelengths are caused to shine simultaneously. However, it is well known in the art of LCD displays along with field sequential color addressing of red, green, and blue pixels in an LCD display, simultaneous addressing of red, green, and blue pixels in an LCD display may also be performed to generate a full-color display image. For example, Ferguson teaches that a full color display image from an LCD display panel may be generated by both methods (See Figures 1, 8, 11, 14; col. 21, line 43-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the output layer shine with mutually different wavelengths from those of adjacent light output layers and more than one light output layers that shine with mutually different wavelengths are

Art Unit: 2872

caused to shine simultaneously, as taught by Fergason, in the optical control device and optical control device method of Ge et al., for the purpose of reducing jittering or flickering of the display image, as well as reducing the scanning frequency requirement of the image display system (i.e. since only 1/3 of the pixels require to be scanned (all three colors are scanned simultaneously instead of each color being scanned individually), the scanning frequency is reduced to 1/3 the value of that in a field sequential color addressing scheme), thus reducing the complexity of the display device.

15. Claim 6, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Ge et al. in view of Fergason as applied to Claim 2 above, and further in view of Hodson et al.

Ge et al. in view of Fergason discloses the invention as set forth above in Claim 2, except for the light output layer being composed of at least one of an organic/inorganic EL light emitter and an FED light emitter. It is well known in the art of LCD displays to utilize field emission based lighting and EL based lighting in LCD's (See for example Figure 7-8 for a field emission based backlight). Additionally, Hodson et al. teaches a field emission based liquid crystal display (See Figure 4) wherein the integrated backlighting includes an FED device (See 1, 2, 4 in Figure 4; Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the output layer of the optical control device of Ge et al. in view of Fergason be composed of an FED light emitter, as taught by Hodson et al., for the purpose of increasing the light output efficiency of the LCD display, while reducing power consumption.

Art Unit: 2872

16. Claim 8, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Ge et al. in view of Fergason as applied to Claim 2 above, and further in view of Kimura et al.

Ge et al. in view of Fergason discloses the invention as set forth above in Claim 2, except for the light output layer including an optical waveguide and a light source coupled to the optical waveguide and positioned in a non-display section area. However, Kimura et al. similarly teaches a liquid crystal display device (See for example Figures 1-7) wherein the light output layer is formed by a combination of an optical waveguide (See for example 22 in Figures 3-4) and a light source (See for example 21 in Figures 3-4) coupled to the optical waveguide and positioned in a non-display section area (See left side of Figure 4 where 21 is located at). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have for the light output layer provided on the first substrate be formed by a combination of an optical waveguide and a light source coupled to the optical waveguide and positioned in a non-display section area, as taught by Kimura et al., in the optical control device of Ge et al. in view of Fergason, for the purpose of reducing the amount of power consumed by the device since light is no longer wasted in illuminating portions of the display panels that are not required to be illuminated (i.e. light is guided only to those areas of the panel that requires illumination).

Art Unit: 2872

Conclusion

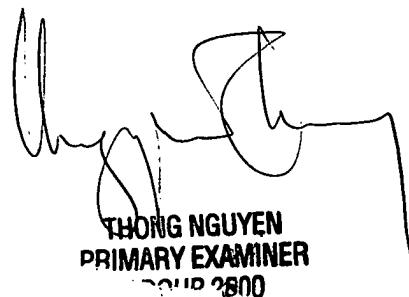
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 8:30 AM - 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arnel C. Lavarias
2/27/04



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